

In the case of:

WILLIAM ALLEN MEANS v.

E.M. PETERSON, et al.

WILLIAM MEANS

April 20, 2021



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WILLIAM ALLEN MEANS v.
E.M. PETERSON, et al.

WILLIAM MEANS
April 20, 2021

<p>1 IN THE UNITED STATES DISTRICT COURT FOR THE 2 SOUTHERN DISTRICT OF WEST VIRGINIA 3 AT CHARLESTON 4 5 * * * * * 6 WILLIAM ALLEN MEANS, 7 8 Plaintiff, 9 10 vs. Civil Action No. 2:20-561 11 12 E.M. PETERSON, D. HARVEY, and 13 THE CITY OF SOUTH CHARLESTON, 14 Defendants. 15 * * * * * 16 17 VOLUME II 18 19 The continuation of the deposition of WILLIAM MEANS 20 was taken under the Federal Rules of Civil Procedure in 21 the above-entitled action, before Laurie L. Cunningham, 22 Registered Professional Reporter and Notary Public 23 within and for the State of West Virginia, at 1:06 - 24 3:06 p.m., on Tuesday, the 20th day of April, 2021, at the law offices of Calwell Luce diTrapano PLLC, 500 Randolph Street, Charleston, West Virginia.</p> <p>REALTIME REPORTERS, LLC LAURIE L. CUNNINGHAM, RPR 713 Lee Street Charleston, WV 25301 1-304-344-8463</p>	<p>Page 3</p> <p>1 WITNESS EXAMINATION PAGE 2 WILLIAM MEANS 3 BY MR. RUGGIER 4, 94 4 BY MR. diTRAPANO 92 5 6 E X H I B I T S Identified 7 MEANS DEPOSITION EXHIBIT NO. 1 86 8 (Photocopied color photograph) 9 MEANS DEPOSITION EXHIBIT NO. 2 89 10 (Photocopied color photograph) 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p>Page 2</p> <p>1 APPEARANCES: 2 3 On behalf of the Plaintiff: 4 5 L. Dante' diTrapano, Esq. 6 CALWELL LUCE diTRAPANO PLLC 7 500 Randolph Street 8 Charleston, WV 25302 9 10 On behalf of the Defendants: 11 12 Duane J. Ruggier II, Esq. 13 PULLIN, FOWLER, FLANAGAN, BROWN & POE, PLLC 14 James Mark Building 15 901 Quarrier Street 16 Charleston, WV 25301 17 18 19 20 21 22 23 24</p>	<p>Page 4</p> <p>1 WILLIAM MEANS, 2 called as a witness in the above-mentioned action, was 3 sworn according to law, was examined and testified as 4 follows; to-wit: 5 EXAMINATION 6 BY MR. RUGGIER: 7 Q. Billy, you know my name is Duane Ruggier. I 8 represent the South Charleston Police Department, and 9 this is going to be the continuation of your previous 10 deposition. I don't think I should go too long today, 11 but we will see. 12 We kind of left the deposition at the very 13 end, but where you had basically passed out or I don't 14 know how you want to call it, but things went white on 15 you. 16 Do you recall that testimony? 17 A. Yeah. 18 Q. So if we could go back to the scene where that 19 scene of the pursuit and the ending of the pursuit and 20 where it all kind of went down there on the railroad 21 tracks? 22 A. (Nodding head.) 23 Q. Is that yes? 24 A. Yeah.</p>

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1 Q. All right. There you go.
2 So take me back there. And just kind of to
3 refresh, you are -- you were driving on your motorcycle
4 and you are being pursued by police officers; is that
5 correct?
6 A. Basically.
7 Q. All right. At the time when you were driving
8 on your motorcycle, say, in the, you know, I don't know,
9 the ten seconds before the arrest, do you realize that
10 you're being pursued by police officers?
11 A. I realized they were behind me, yeah.
12 Q. Do you realize that they are trying to arrest
13 you?
14 A. No.
15 Q. Do you realize that they're trying to pull you
16 over?
17 A. No.
18 Q. Do you hear any sirens?
19 A. No.
20 Q. Do you see any lights?
21 A. No.
22 Q. You had on, you said, Bluetooth through your
23 ears?
24 A. Yeah. I just put Bluetooth air buds, yeah.

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1 Q. Right.
2 A. I wear them when I ride.
3 Q. And you don't know what you were listening
4 to?
5 A. No.
6 Q. How were you getting -- was it music you were
7 listening to?
8 A. Yeah.
9 Q. How were you getting music to your
10 Bluetooth?
11 A. Through my cell phone.
12 Q. Okay. And you had your cell phone on you?
13 A. Yeah.
14 Q. What kind of cell phone was it?
15 A. A Motorola.
16 Q. Motorola what? Do you remember?
17 A. Huh-uh. It was one of those newest Motorolas.
18 Q. Say it again?
19 A. It was one of the newest Motorolas.
20 Q. So you don't remember what kind of Motorola it
21 is?
22 A. Huh-uh.
23 Q. You've got to verbalize it.
24 A. No.

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1 Q. Remember you've got to say "yes" or "no" so
2 the court reporter can get it down.
3 A. No, I don't remember what kind it was.
4 Q. All right. You were wearing a helmet?
5 A. Yeah.
6 Q. What is your helmet?
7 A. Huh?
8 Q. What kind of helmet were you wearing?
9 A. A DOT approved helmet.
10 Q. A what?
11 A. A DOT approved helmet.
12 Q. Department of Transportation approved helmet?
13 A. It had the DOT sign on the back of it.
14 Q. Had the what?
15 A. DOT sign on the back. You know, it's on the
16 back of all of them almost.
17 Q. I don't, so explain it to me.
18 A. It's -- I just explained it.
19 Q. It's called a DOD?
20 A. DOT.
21 Q. DOT helmet.
22 MR. diTRAPANO: Department of
23 Transportation.
24 A. Yeah.

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1 MR. RUGGIER: Department of Transportation?
2 Okay.
3 A. It shows that it's a standard issued whatever
4 helmet, I mean.
5 Q. Okay. What color was it?
6 A. Black.
7 Q. Describe how the helmet looked. I mean, how
8 was it?
9 A. Like a full-face helmet.
10 Q. Full-face helmet?
11 A. Yeah.
12 Q. So that means it's got something that goes in
13 front of your jaw?
14 A. Yeah.
15 Q. And the area in front of your eyes is open?
16 A. No. It had no visor.
17 Q. You did not have a visor?
18 A. No.
19 Q. How come?
20 A. Because it was too scratched up and I took it
21 off.
22 Q. Where did you get the helmet?
23 A. It was given to me by a friend.
24 Q. Who?

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1 A. I don't even remember. I've had so many
2 helmets, it's...
3 **Q. Had you ever wrecked this bike before?**
4 A. No.
5 **Q. Had you ever wrecked on a motorcycle -- a**
6 **street motorcycle before?**
7 A. Yeah.
8 **Q. When did you previously wreck on a street**
9 **motorcycle?**
10 A. I don't remember the date. It was a couple
11 years before.
12 **Q. What happened?**
13 A. I slid on gravel. I didn't have -- it had
14 bald tires. I couldn't afford them.
15 **Q. Where did you slide on the gravel?**
16 A. On Loudendale, where I used to live.
17 **Q. Okay. Were you under the influence of**
18 **anything when this happened?**
19 A. No.
20 **Q. You were not on any drugs?**
21 A. No.
22 **Q. Not taking any pills?**
23 A. No.
24 **Q. So we're going back to the scene, and you were**

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1 **telling me that you don't realize that those police**
2 **officers are trying to arrest you.**
3 A. No.
4 **Q. Okay. You just think that they're following**
5 **you?**
6 A. Bullying me.
7 **Q. What's that?**
8 A. Bullying me is the way I looked at it.
9 **Q. You call it bullying you?**
10 A. Yeah.
11 **Q. Why do you think, if you have any idea, why**
12 **the officers were trying to bully you?**
13 A. I'm not sure. It seems to happen a lot out of
14 South Charleston.
15 **Q. What do you mean by that?**
16 A. Like multiple people have stated the South
17 Charleston, they're bullies.
18 **Q. Who has told you that?**
19 A. I don't -- I mean, multiple, multiple
20 people.
21 **Q. Name them.**
22 A. I can't name all these people. I mean, just
23 I've seen random people that have said it.
24 **Q. I mean, can you tell me anybody in particular**

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1 **and tell me what the incident was --**
2 A. My grandpa for one. He was --
3 **Q. Your grandpa?**
4 A. He was just recently pulled over a couple
5 weeks ago -- or about a week ago.
6 **Q. Okay.**
7 A. And the cop actually asked him if I could
8 walk, if I really couldn't walk or not, I mean.
9 **Q. Who is the -- who's your grandfather?**
10 A. Okey Allen Cecil.
11 **Q. Okey. O-K-E-Y?**
12 A. Yeah.
13 **Q. And do you know Okey's phone number?**
14 A. 304-410-3619.
15 Let me make sure that's it. I'm pretty
16 positive it's it.
17 **Q. What's that?**
18 A. I want to make sure that's it.
19 **Q. Okay.**
20 A. Yeah, 410-3619.
21 **Q. And did he tell you the officer that was**
22 **bullying him?**
23 A. No.
24 **Q. And when did this happen?**

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1 A. About a week ago.
2 **Q. A week ago. So at the time of the police**
3 **pursuit in this case, that had not yet happened.**
4 A. It wasn't a pursuit. He just pulled him
5 over.
6 **Q. Okay. Right. But I'm saying at the time of**
7 **the pursuit in this case, this had not had happened.**
8 A. What had not had happened?
9 **Q. That your grandfather was bullied by a South**
10 **Charleston Police Officer.**
11 A. No. It was afterwards.
12 **Q. Okay. What did the officer ask supposedly?**
13 A. If I could really not walk.
14 **Q. And what did your grandfather tell him, to**
15 **your understanding?**
16 A. He asked if he was joking.
17 **Q. Can you walk?**
18 A. No, I can't walk.
19 **Q. What's that?**
20 A. No, I can't walk.
21 **Q. Okay. Can you stand?**
22 A. No.
23 Can I touch my toes? No. Can I pull up my
24 socks? I can't put socks on.

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1 **Q. You can't stand?**
2 A. No.
3 **Q. And you can't touch your toes?**
4 A. No.
5 **Q. Why can't you touch your toes?**
6 A. Because I've got almost 11 inches of steel
7 rods in my back.
8 **Q. So you can't bend forward?**
9 A. No.
10 **Q. Well, I'll get into that a little more a while**
11 **later.**
12 **So we're back to the scene of the accident.**
13 **You are driving at -- how fast would you say that you're**
14 **driving?**
15 A. Below the speed limit. I was crossing the
16 railroad tracks.
17 **Q. Crossing the railroad tracks?**
18 A. And I was struck.
19 **Q. Crossing the railroad tracks below the speed**
20 **limit?**
21 A. You slow down to cross the railroad tracks.
22 **Q. Do you know what speed you were going?**
23 A. No.
24 **Q. Do you know what the speed limit was?**

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1 A. No. I'm not sure. 25, 35, something like
2 that.
3 **Q. So if you don't know the speed limit and you**
4 **don't know how fast you were going, how do you know you**
5 **were driving below the speed limit?**
6 A. Because I know that I was slowing down so that
7 I wouldn't wreck, I mean. Exactly what I expected the
8 whole time, as soon as I slowed down enough, that he
9 would have struck my rear tire, as he did, and wrecked
10 me.
11 **Q. So when you slowed down, he struck your rear**
12 **tire.**
13 A. Yeah.
14 **Q. And what happened when he struck your rear**
15 **tire?**
16 A. I wrecked and I started sliding on the tracks.
17 Well, here, do you want to see the video? Do you want
18 to watch the video?
19 **Q. If you've got a video of the actual -- when he**
20 **actually struck you --**
21 A. Not when he struck. You asked me --
22 **Q. -- I'd be very interested to see that.**
23 A. You just asked of what happened after he
24 struck me.

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1 **Q. Well, right, but I'm talking about directly**
2 **after. Are you --**
3 A. Directly after he struck me?
4 **Q. Yes.**
5 A. I've got the video, I mean, as soon as he
6 struck me.
7 **Q. Well, how about maybe -- are you talking about**
8 **the YouTube video that everybody's seen?**
9 A. I guess so, yeah.
10 **Q. Okay. So what I'm talking about would be in**
11 **between the time when --**
12 A. There was no time in between when he struck me
13 and he stopped on the tracks, right in the middle of the
14 tracks. He jumped out of his vehicle, came over. I was
15 going to stand up. He kicked me. I rolled back onto my
16 back. I gave him -- stated my name, my birth date, and
17 that's when they both commenced to pepper spraying and
18 macing me, whatever.
19 **Q. Were you seated on the motorcycle when the**
20 **South Charleston Police vehicle made contact with you?**
21 A. I would not be seated anywhere else.
22 **Q. Just answer the question.**
23 A. Yes, I was seated on the motorcycle.
24 **Q. Well, what I'm asking is, is were you -- so**

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1 **you're on the motorcycle.**
2 A. I was sitting on the seat of the motorcycle
3 when he struck my rear tire.
4 MR. diTRAPANO: Just for the record, and I
5 guess to be instructional here, Billy, just like we did
6 before, just wait for him to --
7 THE DEPONENT: I'm sorry.
8 MR. diTRAPANO: -- ask the question. Don't
9 anticipate what he's going to ask. It's going to
10 distort the record. Just let Duane ask the question,
11 stop, listen to it, and give an answer, audible
12 response.
13 BY MR. RUGGIER:
14 **Q. So when the vehicle strikes you, can you give**
15 **me a little more detail as to exactly what happens to**
16 **the bike and then where you go?**
17 A. The bike slid on the tracks. If you'll look
18 on Google maps, you'll see the area, the place where it
19 happened, all right, and you can actually visually see
20 the train track, the things that go up under the tracks.
21 What are they called? The logs that go under the
22 tracks?
23 **Q. Okay. Yeah.**
24 A. The fifth one down sticks up like an inch and

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1 a half, two inches higher than the rest of them. I
2 guess it had been dug out or whatever, but I was sliding
3 on the tracks. The bike laid on its side, and I was
4 going to get on the bike, on top of it, ride it out and
5 jump off of it. You know what I mean? Instead --

6 **Q. No, wait. No, I don't know what you mean.**

7 A. Instead of -- to control the bike, I mean, and
8 control myself from getting hurt. If the bike's
9 laying -- it's sliding on its side, you -- my instinct
10 is to jump on top and make sure that I'm sitting on top
11 of the bike so that I can actually jump off of the bike
12 instead of flopping and flipping with the bike
13 instinctively.

14 **Q. All right. So when the cruiser hits your back**
15 **tire, where does it send your bike?**

16 A. Laying flat on the tracks.

17 **Q. Laying flat onto the track and skidding?**

18 A. Sliding, yeah. I was, I mean, in the middle
19 of explaining.

20 And then my rear pegs, they stick out like
21 this (demonstrating). I mean, for the rear foot pegs,
22 they stick out at an angle. Well, the -- I guess you'd
23 say the left side of the rear peg caught on that. It
24 was, like, the fifth railroad timber, and it catapulted

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1 me. It slammed it. It stopped the bike and made it
2 flip over, and that's when I flipped and landed on the
3 tracks. Well, bounced off the tracks into the puddle,
4 mucky water, whatever it is.

5 **Q. So you actually first hit the tracks, and then**
6 **went from the tracks --**

7 A. I mean, I don't remember exactly, but, I
8 mean, I know when I came -- because it knocked me out.
9 I mean, that's when I was knocked out. And then I woke
10 up, I was laying in the puddle of the greasy water.

11 I went to stand up, went to roll over, because
12 I was laying on my back. I went to roll over and stand
13 up, and I don't know which officer it was came up and
14 kicked me over and rolled me back over onto my back.
15 That's when I stated my name, my birth date, and they
16 started macing me.

17 **Q. On that video can you see the officer kick**
18 **you?**

19 A. No. You can see -- it's...

20 **Q. Is it just right after that?**

21 A. Like it's --

22 MR. diTRAPANO: I'm just going to object to
23 the form of the question. I don't know what time, which
24 time they kicked him.

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1 A. Yeah. I mean, they did --

2 **Q. The first kick. We were talking about the**
3 **first kick.**

4 A. Like, no, I don't think so, but it shows both
5 of them right at me, like, immediate. The lady was
6 right behind them. It was immediate.

7 **Q. Well, what I'm saying is I've watched that**
8 **video a lot, and I've never seen them -- I didn't see**
9 **that you could see where an officer kicked you, and I'm**
10 **asking if you could -- have you seen in that video where**
11 **an officer kicked you?**

12 A. No, but he kicked me and rolled me over back
13 on my back. It's... Because of that stagnate water, I
14 mean, nobody wants to lay. It's got that nasty grease
15 in it, so I was getting up to get out of it, but...

16 **Q. So my understanding is what you're saying is**
17 **the cruiser hits your tire, it kind of sends your bike**
18 **skidding on the railroad tracks. You kind of jump off**
19 **the bike, land on the tracks, roll into the water and**
20 **are going to get up to get out of the greasy water.**
21 **Officer comes over, kicks you, and you go back down in**
22 **the water?**

23 A. He rolls me -- like when you're on your back,
24 you roll over to stand up, right? You use your -- put

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1 your hands and knees up. While I was in that position,
2 and, yeah, he kicked me and rolled me back over onto my
3 back and started macing me.

4 **Q. All right. So when you first hit the water,**
5 **you were able to get up?**

6 A. Yeah.

7 **Q. And you were able to move your legs.**

8 A. Yes.

9 **Q. Okay.**

10 A. And I remember distinctly when they both
11 grabbed me and that initial jerk, when they first jerked
12 me, I was like I couldn't feel nothing after that. I
13 mean, it was -- it scared the hell out of me.

14 **Q. When -- so and then --**

15 A. After them macing me.

16 **Q. The officers come over and kick you once as**
17 **you're trying to get up. You can move and feel your**
18 **legs at that point.**

19 A. Yes, sir. I was trying to -- I was going to
20 stand up.

21 **Q. After that kick, after that first kick, you**
22 **could still feel and move your legs.**

23 A. Yeah. I was -- yeah.

24 **Q. All right. Then what happens after that?**

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1 A. Well, you seen they both grabbed up under --
2 when they got done macing me, they both grabbed up under
3 each shoulder and jerked me, I mean.
4 **Q. All right. So what I'm trying to find out is**
5 **at what point could you stop feeling your legs?**
6 A. When they initially jerked me (demonstrating).
7 **Q. When they initially jerked you.**
8 A. Yeah, to drag me across the tracks.
9 **Q. So you believe that when --**
10 A. At the time they were saying, "We're just
11 going to leave you to die." I mean, I honestly wish
12 that you could hear the audio because it was -- after I
13 quit -- after I lost the feeling in my legs, I gave up.
14 I mean, I basically said, "I wish you would. I wish you
15 would have done it." I mean, because it -- it was
16 devastating.
17 **Q. So just I want to be clear about this. The**
18 **events which you think caused your paralysis was when**
19 **the officers went to pick you up.**
20 A. That's not I think. I know. I mean, because
21 I felt my legs before then, didn't feel them after.
22 **Q. Okay. Your testimony is that the actions of**
23 **the officers that caused your paralysis was when they**
24 **went to pick you up.**

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1 A. When they picked me up and was dragging me.
2 **Q. Okay. Well, so --**
3 **MR. diTRAPANO: I'm just going to object to**
4 **the form because he doesn't know -- I mean, he can't say**
5 **when he was paralyzed or not. All he can say is what**
6 **the sensation was.**
7 A. Yeah.
8 **MR. RUGGIER: Whether he feels his legs. I**
9 **understand.**
10 A. I know that I was capable of getting up
11 beforehand. It was, like, right before they kicked me,
12 rolled me over and started macing me, I was capable of
13 getting up and moving, I mean.
14 **Q. Right. But what I'm trying -- you understand**
15 **I'm trying to pinpoint when you were unable to no longer**
16 **feel your legs and what action was taken by the**
17 **officers --**
18 A. Okay.
19 **Q. -- if at all, to make you no longer be able to**
20 **feel your legs.**
21 A. For one, an officer's not supposed to touch
22 someone after -- they're supposed to make sure my neck's
23 stable and I'm in a stable position, correct?
24 **Q. Sure, but that's just not my question, buddy.**

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1 **My question is: At what point exactly could**
2 **you no longer feel your legs?**
3 A. Exactly? I can't tell you because I had just
4 been knocked out.
5 **Q. Okay.**
6 A. I came to. I knew that I could feel them
7 because I was in the middle of standing up when he came
8 over and kicked me.
9 **Q. Right. So at the time before he kicks you,**
10 **could you feel your legs?**
11 A. Yes. I was in the middle of trying to stand
12 up.
13 **Q. All right. After he kicks you, right after he**
14 **kicks you, you can still feel your legs. Is that**
15 **correct or not?**
16 A. Yeah. Because I was kicking them. When they
17 were macing me, I was kicking my legs trying to move up
18 out of the water.
19 **Q. Okay. So we know that it wasn't the kick that**
20 **caused your paralysis. We know it wasn't the accident**
21 **that caused you to no longer feel your legs; is that**
22 **accurate?**
23 A. Yeah.
24 **Q. And we know, according to your testimony, that**

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1 **it wasn't the first kick which caused you to no longer**
2 **feel your legs, correct?**
3 A. Yeah.
4 **Q. Okay. So was it when the officers picked you**
5 **up, that's what caused you to no longer be able to feel**
6 **your legs?**
7 A. According to what my doctor said is when they
8 grabbed me, it's like grabbing -- taking a rubber band
9 and stretching it until it snaps.
10 **Q. I'm not asking about what your doctor told**
11 **you.**
12 A. Well, that's what I'm explaining.
13 **Q. What I'm asking is when you could no longer**
14 **feel your legs.**
15 A. That's what I'm telling you. I could no
16 longer feel my legs when they picked me up. I was
17 explaining you know when you snap a rubber band?
18 **Q. Yeah.**
19 A. Well, that's when it happened is when they
20 jerked me. When they jerked me and pulled me across the
21 tracks, that's when I could no longer feel my legs.
22 **Q. Was it that you could no longer feel your legs**
23 **prior to being dragged across the tracks, or was it you**
24 **could no longer feel your legs after?**

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1 A. I could not feel my legs from when they picked
2 me up.
3 **Q. Okay.**
4 A. Because I was still kicking my legs in the
5 water while they were macing me.
6 **Q. So what I'm trying to establish and**
7 **pinpoint -- and this is your lawsuit; so...**
8 A. I know.
9 **Q. It's your lawsuit, but so I get to question**
10 **you about it. My question is, is what I'm hearing you**
11 **say, and correct me if I'm wrong, is that when the**
12 **officers went to pick you up, that was the moment when**
13 **you could no longer feel your legs.**
14 A. When they were picking me up, I could no
15 longer feel my legs.
16 **Q. Okay. So what was that like?**
17 A. Devastating.
18 **Q. How so?**
19 A. What do you mean how so?
20 **Q. How was it devastating?**
21 A. Because I'm 31 years old. I've been able to
22 walk my whole life. I do everything. I mean, I help
23 anybody and everybody I can, and now I have to have help
24 to use the bathroom. I have to cath myself four or six

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1 times a day.
2 **Q. So obviously it was a traumatic event. You**
3 **couldn't walk --**
4 A. It's the most traumatic event I've ever
5 experienced in my life.
6 **Q. Sure.**
7 A. And my grandpa died in my arms when I was 14
8 years old, I mean, so it was pretty traumatic, I mean.
9 **Q. What's that?**
10 A. I said my grandpa died in my arms when I was
11 14 years old, and it was more traumatic than that, I
12 mean; so...
13 **Q. Your previous testimony was that you were**
14 **drowning in the water?**
15 A. Trying to prevent from drowning.
16 **Q. Trying to prevent. You were trying to move**
17 **around?**
18 A. It was a deep puddle, pretty deep.
19 **Q. It was like three feet deep?**
20 A. I can't -- I don't know exactly, I mean,
21 but...
22 **Q. And you had actually, my recollection, had**
23 **asked that the officers help you get out of that water,**
24 **correct?**

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1 A. Well, yes, because I was told not to move, as
2 they were pepper spraying me and telling me they should
3 leave me to die.
4 **Q. Yeah, but you wanted the officers to pick you**
5 **up and pull you out of the water.**
6 A. I wanted them to help me out of the situation
7 they didn't want me in -- or they wanted me in.
8 **Q. Yeah, but my question, though, is my**
9 **understanding of your testimony was that because you**
10 **felt like you were drowning in the water or couldn't**
11 **breathe --**
12 A. Because I was told not to move.
13 **Q. What's that?**
14 A. Because I was told not to move.
15 **Q. Right. You had actually requested the**
16 **officers pick you up out of the water, right?**
17 A. Yeah.
18 **Q. So it's both of them that pick you up?**
19 A. Yeah. It's in the video.
20 **Q. I know, but I'm not asking about the video.**
21 **I'm asking what you remember. I understand the videos,**
22 **and I know it's probably hard to try to separate the**
23 **two, but...**
24 A. Yes.

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1 **Q. I'm asking kind of what you remember without**
2 **the video.**
3 A. The video has nothing -- everything I'm
4 telling you is from my memory. The video, excuse my
5 language, but the video, I mean, it's -- and actually
6 constantly having to relive it, I mean, it's pretty
7 traumatic too.
8 **Q. Sure. I'm sure.**
9 **So you're dragged across the tracks. You're**
10 **picked up and dragged across the tracks, right?**
11 A. Yeah.
12 **Q. And laid down?**
13 A. Yeah.
14 **Q. Is that right?**
15 A. Head stomped, and he jammed his knee into my
16 back too.
17 **Q. Let me, like I said, let me ask the question.**
18 **Kind of follow along with the --**
19 A. Okay. I mean, that's...
20 **Q. Don't jump ahead.**
21 A. Sorry.
22 **Q. Try not to jump ahead, please. It will be**
23 **easier for both of us if that happens.**
24 **So you're dragged across the tracks. Kind of**

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1 tell me what are you thinking? What's happening? What
2 are you feeling? What, you know.
3 A. I'm not really feeling anything other than I
4 know I can't feel my legs and these guys are telling me
5 they should leave me to die.
6 Q. So they're telling you what? What exactly
7 does the officer say?
8 A. "You're a dumbass. We should leave you here
9 to die."
10 Q. "You're a dumbass. We should leave you here
11 to die."
12 A. Yeah.
13 Q. Did you say to them "I'm a dumbass"?
14 A. No. I said that you might as well.
15 Q. What's that?
16 A. I told them they might as well.
17 Q. That they might as well leave you to die?
18 A. Yeah.
19 Q. You never told the officers "I'm a dumbass"?
20 A. No.
21 Q. Never said "Take me to jail" or anything like
22 that?
23 A. (Shaking head.)
24 MR. diTRAPANO: Just answer audibly so she can

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1 get it down.
2 A. No.
3 Q. All right. So the officers lay you down on
4 the other side of the tracks, right?
5 A. Yes.
6 Q. And when they lay you down on the other side
7 of the tracks, what are you thinking? What are you
8 saying? What's happening?
9 A. I'm trying to close my eyes and just pass out
10 and trying not to -- I couldn't breathe because of the
11 mace trapped inside of my helmet, full-face helmet.
12 Q. What's that?
13 A. It was trapped. I had a full-face helmet on,
14 so all that mace just trapped inside of it.
15 Q. Right. Did you ask the officers to take off
16 your helmet?
17 A. No.
18 Q. You did not ask the officers to take off your
19 helmet.
20 A. No.
21 Q. Do you remember if whenever you're taken
22 across the tracks, is there two officers there, one
23 officer there or what?
24 A. There was two.

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1 Q. Two?
2 A. One grabbed me up under each arm, I mean.
3 Q. Yeah. And then they set you down. Are you
4 telling me this is what you remember from the video, or
5 do you remember --
6 A. This is what I remember, remember.
7 Q. They set you down, and then what happens?
8 MR. diTRAPANO: I'm going to object to the
9 form of the question that that's your words, they set
10 him down. I don't remember them setting him down.
11 Q. How would you say it? However you want to
12 characterize it then.
13 A. They dropped me.
14 Q. They dropped you?
15 A. (Nodding head.)
16 Q. Okay. They dropped you down?
17 A. Yeah.
18 Q. Okay. They dropped you down on the ground,
19 and then what happened?
20 A. I closed my eyes hoping to pass out so that --
21 I mean, I couldn't breathe because of the mace.
22 Q. Then what happened?
23 A. I closed -- I reckon I passed out because I
24 don't remember anything other than seeing the ambulance

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1 pull up.
2 Q. Okay. You don't remember anything after
3 that?
4 A. Not really.
5 Q. You don't remember the alleged head
6 stomping?
7 A. It's not alleged. But, no, I don't remember
8 it.
9 Q. Did you feel your head being stomped on?
10 A. I was out.
11 Q. You were just passed out?
12 Do you remember saying anything?
13 A. The last thing I remember is telling them they
14 might as well have done what they said they wanted to
15 do.
16 Q. Didn't you tell me that you said your name and
17 Social Security number or something like that?
18 A. That was when I was laying in the puddle of
19 water.
20 Q. Okay.
21 A. I respect officers. I mean, I know it's their
22 job. I always have. I've always been respectful. You
23 can ask any officer that's ever pulled me over. I mean,
24 I'm bluntly honest about anything. I mean, it's...

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1 Q. You said you watched the video. And have you
2 heard the 911 tapes?
3 A. Huh-uh.
4 Q. So when you watch the video, you see the
5 lights and siren of the officers on? Do you see that --
6 A. Yeah.
7 Q. -- in the video?
8 What do you think about that? Are you saying
9 that the officers just turned their lights and siren on
10 after that when the --
11 A. As soon as he struck my tire is when I heard
12 the lights -- when I heard sirens.
13 Q. As soon as what?
14 A. As soon as he struck my tire is when I heard
15 the siren.
16 Q. But not before that.
17 A. Not before that.
18 Q. So you're laying there on the ground, and the
19 next thing you remember is what, waking up in the
20 hospital?
21 A. No.
22 Q. You woke up in the ambulance?
23 A. I opened my eyes and seen the ambulance pull
24 in. I went back out. And then I remember waking up --

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1 I think it was 14 or 16 days later in the hospital.
2 Q. So you didn't wake up till two weeks later or
3 something like that?
4 A. Not that I remember.
5 I remember coming to and --
6 MR. diTRAPANO: Just wait until he asks you a
7 question.
8 THE DEPONENT: I'm sorry.
9 BY MR. RUGGIER:
10 Q. What do you remember?
11 A. Coming to and the lady telling me that I
12 wouldn't be able to walk, but I...
13 Q. What's that?
14 A. Huh?
15 Q. Lady telling you you wouldn't be able to
16 walk?
17 A. Yeah.
18 Q. Who is the lady? The nurse?
19 A. The nurse.
20 Q. What did you think?
21 A. I thought she was lying, and I fell back
22 out.
23 Q. Felt bad?
24 A. Fell back out, went back to sleep.

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1 Q. When did you wake back up?
2 A. I don't particularly remember. It was a
3 couple days later I think.
4 Q. At the time of the pursuit, had you taken any
5 amphetamines?
6 A. No, not that I -- huh-uh. I just -- I'd
7 actually just woken up before I left the house.
8 Q. At the time of the pursuit, had you taken any
9 opioids?
10 A. No.
11 Q. At the time of this pursuit, had you smoked
12 any pot?
13 A. No. I had just woken up at the house.
14 Q. Marijuana. I'm sorry.
15 A. I just woke up and left the house.
16 Q. At the time of the pursuit, had you taken any
17 Ecstasy?
18 A. No.
19 Q. The night before the pursuit, had you taken
20 any Ecstasy?
21 A. No.
22 Q. Is that what you do, you take Ecstasy? You
23 don't smoke it, right? Do you know?
24 A. No, I don't know.

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1 Q. The night before the pursuit, had you smoked
2 any pot or marijuana?
3 A. No.
4 Q. The night before the pursuit, had you taken
5 any opioids?
6 A. No.
7 Q. Do you know what I mean by opioids?
8 A. Yeah.
9 Q. Like OxyContin, anything like that?
10 A. Yeah, I understand.
11 MR. diTRAPANO: I just want to object. I
12 believe these have all been asked and answered in the
13 last phase of the deposition.
14 Q. The night before the pursuit, had you taken
15 any amphetamines?
16 A. No.
17 Q. Smoked any meth the night before the
18 pursuit?
19 A. No. I said I had just woken up before the
20 pursuit.
21 Q. I'm asking about the night before the pursuit.
22 A. If I had done it the night before the pursuit,
23 I wouldn't have woken up. I'd have been still been up,
24 yeah.

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1 **Q. Still would have been partying?**
2 A. I guess, if that's what you call it.
3 **Q. Do you remember anything else about the**
4 **accident, the pursuit? Anything before we get to the**
5 **hospital? Anything like along those lines? Anything**
6 **else you haven't told me about?**
7 A. Not really.
8 **Q. Anything else that you recall?**
9 A. Not really.
10 **Q. Where was it you were going to? You were**
11 **going to Blizzard's?**
12 A. Ronnie Blizzard's.
13 **Q. Ronnie Blizzard's. He gave you some cables,**
14 **clutch cables?**
15 A. A single clutch cable.
16 **Q. If I talked to Ronnie, would he --**
17 A. He just passed away actually.
18 **Q. He died?**
19 A. Yeah. Two days ago.
20 **Q. How old is he?**
21 A. He's mid 40's.
22 **Q. What did he die of?**
23 A. Some type of cancer or something. He had --
24 he was all messed up. He had a tumor in his

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1 bellybutton. It was like that big around
2 (demonstrating). He was bad off.
3 **Q. Does he have a son or anything that was**
4 **running the business now?**
5 A. It's -- there's Ronnie Blizzard and Ronnie
6 Blizzard, Jr. I was going to Jr.'s house.
7 **Q. You were going to Jr.'s house?**
8 A. Yeah. Ronnie Blizzard, his son, Ronnie -- the
9 actual Ron -- the old man that owns Blizzard's, I was
10 going to his house -- not his house; his son's house,
11 which is also named Ronnie Blizzard.
12 **Q. So which one died?**
13 A. His son, where I was going.
14 **Q. The one you were going to see?**
15 A. Yeah.
16 **Q. Would the old man know that the son was giving**
17 **you some clutch cables?**
18 A. No, not really. They didn't get along.
19 **Q. Would there be anybody else who could confirm**
20 **that you were receiving some clutch cables from Ronnie**
21 **Blizzard?**
22 A. Yeah.
23 **Q. Who?**
24 A. Chelsea Pickens.

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1 **Q. Chelsea what?**
2 A. Pickens.
3 **Q. Who is Chelsea Pickens?**
4 A. She's a friend of mine.
5 **Q. Are you saying Higgins?**
6 A. Pickens, P-I-C-K-E-N-S.
7 **Q. And do you have Chelsea's phone number?**
8 A. She doesn't have a phone, that I know of.
9 **Q. Is she employed?**
10 A. I'm not sure if she still is because she's
11 pregnant now, but she did work at the Best Way Inn, I
12 think.
13 **Q. Used to work at the Best Way Inn?**
14 A. Or the old Motel 6.
15 **Q. Where?**
16 A. The old Motel 6 in Kanawha City, but I think
17 she quit because she got pregnant.
18 **Q. What did she do there?**
19 A. She was a housekeeper or whatever.
20 **Q. Housekeeper.**
21 A. I can give you the phone number I did have for
22 her.
23 **Q. Cool. I'll take it.**
24 A. It's 304-590-4193.

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1 **Q. Thank you.**
2 (Whereupon, there was an off-the-record
3 discussion.)
4 BY MR. RUGGIER:
5 **Q. Why would Chelsea Pickens know that you were**
6 **going out to Blizzard's to get clutch cables?**
7 A. She was dating Ronnie at the time, and she
8 told me that he had some that he'd give me.
9 **Q. Okay. She was dating Ronnie Blizzard at the**
10 **time?**
11 A. (Nodding head.)
12 **Q. Yes?**
13 A. Yes.
14 **Q. And you'd gone out to Blizzard's before?**
15 A. Once or twice.
16 **Q. A lot of times or just once or twice or**
17 **what?**
18 A. Once or twice.
19 **Q. And so the whole time during this police**
20 **pursuit, it's your intention to go to Ronnie Blizzard's?**
21 **You're not actually running from the police, you're just**
22 **driving to Ronnie Blizzard's?**
23 A. I was driving to Ronnie Blizzard's, yes.
24 **Q. The entire time. The route that you took**

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1 during the pursuit would be the normal route that you
2 would take to get to Ronnie Blizzard's house?
3 A. Yeah. Until I got on Trace Fork, I actually
4 passed Ronnie's because, like I said, I was -- it was
5 intimidating. He didn't have his lights on at the time.
6 There was no...
7 Q. So --
8 MR. dITRAPANO: I think we're confused here.
9 I'm just going to object to the form of that question
10 because I think it's -- I think you're -- I mean, Duane,
11 if you don't mind, I mean, clean up for him when he was
12 going to -- obviously going to Ronnie Blizzard's place
13 was on Trace Fork out there. When he went down and
14 started going through all the thing, he wasn't going to
15 Ronnie Blizzard's house -- or his business.
16 MR. RUGGIER: That's what I'm trying to figure
17 out.
18 BY MR. RUGGIER:
19 Q. Are you saying -- at what point did you turn
20 away and stop from going towards Ronnie Blizzard's house
21 and were simply attempting to flee the police?
22 A. I wasn't actually attempting to flee. I was
23 intimidated. Like he was following at a very close
24 distance. I didn't want to be wrecked. But, yes, I did

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1 pass Ronnie Blizzard's house at the time or during.
2 Q. You don't know where Ronnie Blizzard lives, do
3 you?
4 A. Yes, I do.
5 Q. I know. You don't know his address?
6 A. No, not really.
7 Q. Is it where Blizzard's Custom Cycles is?
8 A. No. It's on Trace Fork.
9 Q. So you passed it on Trace Fork.
10 A. Yeah.
11 Q. And kept going.
12 A. (Nodding head.)
13 Q. Yes?
14 A. Yes.
15 Q. And your testimony is that you weren't fleeing
16 the police, you were just intimidated by the police so
17 kept going?
18 A. Yes.
19 Q. I apologize if I asked you this before, but
20 have you ever run from the police before?
21 A. Yes. Once before.
22 Q. When was that?
23 A. I'm not really -- 2019. I don't remember
24 exact.

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1 Q. You ran from the police in 2019?
2 A. Yeah.
3 Q. Why?
4 A. Because I had found a vehicle -- my
5 neighbor -- one of my mom's neighbor's vehicle had been
6 stolen. I found it abandoned with the keys in the
7 ignition, and I guess...
8 Q. You've got to speak up.
9 A. I was returning the vehicle to her, and they
10 tried to pull me over because the tags came back stolen,
11 and I guess she didn't call and let them know that I had
12 found the vehicle.
13 Q. You found your friend's vehicle and were
14 driving it, and the police -- you were returning that
15 car to her, and the police were following you, and you
16 tried to flee from the police; is that right?
17 A. Yes. They got behind me, and I didn't have a
18 license.
19 Q. Speak up.
20 A. I'm in pain; so the more pain I'm in, the
21 lower I speak.
22 Q. She's got to hear you, though.
23 A. But, yeah, they got behind me and turned the
24 lights on and, yes, I fled.

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1 Q. And you fled.
2 Would you say you're no longer taking drugs?
3 A. No.
4 Q. But you didn't go through any treatment
5 program, correct?
6 A. No. The time I spent in the hospital helped
7 me detox.
8 Q. When did you first tell anyone that you were
9 bumped by the police cruiser and that caused you to
10 wreck?
11 A. I really don't remember.
12 Q. When did you first seek an attorney?
13 A. I don't remember that either.
14 Q. Have you had any incidents of OD'ing since the
15 incident? Since the wreck?
16 A. Yes.
17 Q. When?
18 A. A month or so ago.
19 Q. You overdosed, correct?
20 A. Yes.
21 Q. On what?
22 A. Prescribed OxyContin. And I guess --
23 Q. What's that?
24 A. I said prescribed OxyContin, and I guess I

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1 took a bunch of -- well, some Melatonin because I have
2 really bad trouble sleeping, I mean.
3 **Q. So you took some OxyContin and some**
4 **Melatonin?**
5 A. Yeah.
6 **Q. And that's what caused you to overdose?**
7 A. I mean, I guess so.
8 **Q. It wasn't -- is the OxyContin prescribed?**
9 A. Yeah.
10 **Q. And you're saying that the taking of the**
11 **OxyContin combined with the Melatonin is what caused you**
12 **to overdose?**
13 A. I'm not sure exactly what caused me to
14 overdose honestly.
15 **Q. Well, was it taking an excessive amount of**
16 **OxyContin?**
17 A. No. Because I was -- my prescription got
18 stolen while I was in the hospital, and I had found
19 one -- someone that was prescribed the same thing, and
20 they gave it to me, and I guess it wasn't what it was.
21 **Q. All right. So your prescription, so, like,**
22 **you're talking about some pills?**
23 A. Yeah.
24 **Q. Was stolen when you were in the hospital?**

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1 A. Yeah. I had to go to get a stent removed from
2 my kidneys.
3 **Q. And when your prescription in the hospital --**
4 A. Well, it was sitting on my dresser beside my
5 bed. I left it and came back, and they were gone.
6 **Q. When you were in the hospital, were you giving**
7 **the OxyContin to yourself?**
8 A. No. I left it. I left it on the bedside
9 table.
10 **Q. Well, yeah, but doesn't the hospital bring the**
11 **drugs in to you?**
12 A. That's what I'm saying. I left my
13 prescription on my bedside table.
14 MR. diTRAPANO: At home.
15 A. At home.
16 **Q. Okay. And somebody at your home stole your**
17 **prescription? Somebody at home stole a prescription?**
18 A. Yeah.
19 **Q. Do you know who it was?**
20 A. I have no clue.
21 **Q. And so when your prescription was stolen, what**
22 **did you do? Did you go and get another prescription?**
23 A. They wouldn't give me another prescription.
24 **Q. So --**

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1 A. So I knew somebody that was prescribed the
2 same medication, and he give me one, and I guess it
3 wasn't what it was. It was, I guess, the Fentanyl,
4 whatever, how they make the -- I looked it up. It was
5 they were making Fentanyl pills that looked like Roxies,
6 which is the same thing I was prescribed too.
7 **Q. So you took some Fentanyl?**
8 A. It was a Roxy 30 is what it was presumed to
9 be, I mean.
10 **Q. A Roxie 30?**
11 A. Which is OxyContin 30 milligram.
12 **Q. And so what does that mean? What does that**
13 **have to do with the Fentanyl?**
14 A. They're making them.
15 **Q. Is it they cut the OxyContin with Fentanyl?**
16 A. I've seen on Drugs, Inc. they're making pills
17 out of Fentanyl to look like actual pills.
18 **Q. Okay. Doesn't that stuff kill you, or can it**
19 **kill you?**
20 A. Yeah, I guess so. I mean, but I had no clue
21 that it was, I mean.
22 **Q. All right. Well, so you're in the hospital.**
23 **How long are you in the hospital for? Do you**
24 **remember?**

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1 A. It was a little over a week and a half.
2 **Q. In the hospital. And you are told in the**
3 **hospital that you're paralyzed?**
4 A. Which time are you talking about?
5 **Q. The first time you were told.**
6 A. Are you talking about after the wreck or...
7 **Q. Yeah, after the wreck. I'm not talking about**
8 **this other one.**
9 A. I was in there 28 days.
10 **Q. Okay. In the hospital 28 days. Which**
11 **hospital? Were you in General?**
12 A. General.
13 **Q. Well, tell me about it. When you wake up,**
14 **what happens?**
15 A. I woke up. I don't know if it was, like, 14,
16 16 days. She told me I was paralyzed. I went back out,
17 and I don't remember -- I remember, like, the day before
18 I got out, they told me if I had a bowel movement, that
19 I'd be released, and that evening I had a bowel
20 movement.
21 **Q. So they told you you were paralyzed?**
22 A. Yeah.
23 **Q. And what did you think?**
24 A. I didn't want to believe them.

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1 Q. Okay. Were you -- you know, obviously that's
2 some pretty devastating news, right?
3 A. Yeah. Like I said, I was asleep 90 percent of
4 the time I was in there, either asleep or I'm not sure
5 exactly.
6 Q. Right. What else do you remember about being
7 in the hospital other than being asleep?
8 A. Nothing really.
9 Q. Not much?
10 A. I remember the first time I tried to sit up, I
11 fell completely forward. I had no trunk strength in
12 me.
13 Q. You fell completely forward?
14 A. Well, they didn't let me fall completely
15 forward.
16 Q. Somebody was there, right?
17 A. I was trying to look at my toes, and I
18 couldn't support myself.
19 Q. You tried to sit up in the bed you're
20 saying?
21 A. I sat up in the bed with my legs hanging off
22 the side of the bed. I went to look at my toes, and I
23 just kept...
24 Q. Just kept going down?

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1 A. Yeah.
2 Q. Because you had no strength in your trunk?
3 A. Yeah.
4 Q. So did they give you any therapy while in the
5 hospital?
6 A. I was out the whole time. I mean, I don't
7 really know. I transferred -- the day that I set up
8 first, they showed me how to transfer.
9 Q. What's that?
10 A. I said that the day that I set up, they showed
11 me how to use a transfer board and told me if I had a
12 bowel movement, I could leave. And I had a bowel
13 movement. I called my dad and told him to come get
14 me.
15 Q. So you didn't have any real therapy in the
16 hospital.
17 A. No.
18 Q. They said if you had a bowel movement, then
19 you could leave?
20 A. Yeah.
21 Q. And you had a bowel movement so you left.
22 A. (Nodding head.)
23 Q. Yes?
24 A. Yes.

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1 Q. So who came and picked you up?
2 A. My dad.
3 Q. Did they give you a wheelchair?
4 A. Yeah.
5 Q. And you left the hospital?
6 A. Yes.
7 Q. So tell me what happens when you leave.
8 A. I went to -- ended up moving --
9 Q. Speak up.
10 A. Ended up moving in with my mom because me and
11 my dad had a falling out.
12 Q. Did you move in with your dad first?
13 A. He picked me up, and I went to my mom's
14 house.
15 Q. You told me. What's your mom's name?
16 A. Tonya Devitt, D-E-V-I-T-T.
17 Q. If you need to take a break at any time, let
18 me know, by the way.
19 A. (Shaking head.)
20 Q. So you go to her house. Where does she
21 live?
22 A. At the time she was staying with a friend on
23 South Ruffner.
24 Q. And what happens when you get there?

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1 A. Nothing really. I mean, I stayed there for a
2 couple weeks.
3 Q. Did you get in the bathroom?
4 A. No. I have to rent a hotel room to get in a
5 bathroom to take a shower because I don't have a
6 handicap accessible shower.
7 Q. What about how to go -- can you get onto and
8 off of the toilet?
9 A. No, I can't. I can't. I have to be digitally
10 stimulated, like, literally have to dig.
11 Q. What about peeing?
12 A. I have to cath myself.
13 Q. Okay.
14 A. Well, at the time I had a Foley bag.
15 Q. How long did you have a Foley bag?
16 A. I can't tell you exactly how long.
17 Q. So you go to your -- your dad takes you to
18 your mom's, and you live at your mom's for a couple
19 weeks?
20 A. Yeah.
21 Q. And then where do you go?
22 A. Ended up my mom had to leave where she was, so
23 we went and stayed with one of our friends.
24 Q. Stayed with what?

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1 A. With the lady that owned the vehicle that
2 was -- that I had flipped when the police -- we ended up
3 moving in with her.
4 **Q. Who's that?**
5 A. Leslie Swift.
6 **Q. How long did you live with Leslie Swift?**
7 A. Maybe a month.
8 **Q. Where does she live?**
9 A. South Ruffner.
10 **Q. All right. Go to Leslie Swift's house. Do**
11 **you know her phone number?**
12 A. No, I don't.
13 **Q. So how did you go to Leslie Swift's? Was it**
14 **accessible or what?**
15 A. It was a struggle. I was homeless, I mean.
16 It was a big struggle. That's why I stayed in the
17 hospital most of the time.
18 **Q. So you go to Leslie Swift's house. How long**
19 **are you at Leslie Swift's house?**
20 A. About a month.
21 **Q. Where did you go next?**
22 A. I ended up going -- my friend's mother died,
23 and he let me stay at his home because he moved into his
24 mom's house.

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1 **Q. Who is your friend's mother?**
2 A. I'm not sure. Snodgrass was the last name.
3 **Q. Who is your friend?**
4 A. Eddie Snodgrass.
5 **Q. Eddie Snodgrass. So you stayed at Eddie**
6 **Snodgrass's house for how long?**
7 A. A couple months, then I went to the hospital
8 the whole month of December.
9 **Q. Then went to the hospital?**
10 A. Yeah, the whole month of December because I
11 had a bad infection.
12 **Q. December of what?**
13 A. Last year.
14 **Q. 2020?**
15 A. Yeah. And while I was in the hospital, my
16 house burnt down on Christmas.
17 **Q. When you were in the hospital, your house**
18 **burns down?**
19 A. Yeah.
20 **Q. Well, whose house?**
21 A. It was Eddie's. I was looking to buy it from
22 him, but...
23 **Q. How would you buy it? How do you have any**
24 **money?**

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1 A. Huh?
2 **Q. How do you have money?**
3 A. I don't have the money. I was looking to buy
4 it. He was being generous enough to let me stay.
5 **Q. That's not what I'm saying. Like how would**
6 **you get money to buy the house?**
7 A. I didn't have -- at the moment I didn't have a
8 clue. I mean, I was just hoping something would come
9 along.
10 **Q. All right. So that was in December you were**
11 **in the hospital of 2020, and then so where do you go**
12 **after that?**
13 A. I go to my grandmother's house.
14 **Q. Go to your grandma's house. What's your**
15 **grandma's name?**
16 A. Helen Lacy.
17 **Q. What?**
18 A. Helen Lacy.
19 **Q. All right. And where does Helen live?**
20 A. Nitro.
21 **Q. Does she live with anybody?**
22 A. My uncle takes care of her.
23 **Q. What?**
24 A. My uncle takes care of her.

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1 **Q. What's his name?**
2 A. Bradley Means.
3 **Q. And are you still living there?**
4 A. No. Back with my father.
5 **Q. How long did you live with Helen?**
6 A. A month and a half, two months.
7 **Q. And then you moved with your dad?**
8 A. Yeah.
9 **Q. Now you're back with your dad?**
10 A. Yes.
11 **Q. Where does he live?**
12 A. North Charleston.
13 **Q. What's the address?**
14 A. 2615 6th Avenue.
15 **Q. What's your dad's phone number?**
16 A. 964-1431.
17 **Q. 964-1431?**
18 A. Yeah.
19 **Q. And your dad, does he own a business?**
20 A. Yes.
21 **Q. Absolute Contracting?**
22 A. Yeah.
23 **Q. Does he still do that?**
24 A. Yeah.

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1 **Q. And that business is out of his house, isn't**
 2 **it?**
 3 A. Yeah. He has a contractor business.
 4 **Q. Well, that's what I'm saying. Does he work**
 5 **out of his house or does he have an office?**
 6 A. Yeah, out of his house.
 7 **Q. What's that?**
 8 A. Out of his house.
 9 **Q. What does he build?**
 10 A. Anything.
 11 **Q. All right. So you're living with your dad.**
 12 **And how is life living with your dad?**
 13 A. It's not pleasant.
 14 **Q. Why?**
 15 A. Because we've never gotten along.
 16 **Q. What is that?**
 17 A. We've never gotten along.
 18 **Q. All right. Why have you not ever got along**
 19 **with your dad?**
 20 A. Because he's a toad. He's just a different
 21 breed. He's a money hungry type of person.
 22 **Q. He's what, money hungry?**
 23 A. Yeah.
 24 **Q. Was your doing drugs an issue with your**

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1 **father?**
 2 A. No.
 3 **Q. Really?**
 4 A. Really.
 5 **Q. Your dad wasn't bothered that you were doing**
 6 **drugs?**
 7 **MR. diTRAPANO: I'm going to object to the**
 8 **form of the question.**
 9 A. I mean, he didn't really know. We never
 10 really spent any time together because we don't get
 11 along.
 12 **Q. So how do you live at your dad's house? I**
 13 **mean, what kind of house is it? In other words, how do**
 14 **you, in a wheelchair, get around in your dad's house?**
 15 A. I lay in my bed most of the time.
 16 **Q. Can you get up out of bed?**
 17 A. Yeah, but I don't really because of the
 18 pressure ulcers.
 19 **Q. Because what?**
 20 A. I have pressure ulcers.
 21 **Q. Your pressure ulcers, where are your pressure**
 22 **ulcers?**
 23 A. I've got one on my coccyx and bilateral on
 24 each butt -- bottom of each butt cheek, and I've got two

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1 on each leg, like, down my calf and one on my ankle.
 2 **Q. So if you lay in the bed, it's better? It**
 3 **avoids pressure ulcers?**
 4 A. Yeah. I can roll back and forth. I'm not
 5 supposed to sit up like this in a wheelchair. I mean,
 6 it causes them.
 7 **Q. Try and move around?**
 8 A. Yeah. Rolling side to side, back and forth
 9 every two hours.
 10 **Q. What do you mean? What, in your wheelchair**
 11 **you try to move back and forth?**
 12 A. In my bed.
 13 **Q. What's that?**
 14 A. In my bed.
 15 **Q. In your bed.**
 16 **So what do you do to strengthen your trunk?**
 17 **Anything?**
 18 A. What do you mean? I've got 11 inches of rods
 19 in my back. There isn't much I can do in the strength
 20 of my trunk.
 21 **Q. Can you do this (demonstrating)?**
 22 A. I mean, yeah.
 23 **Q. What's that?**
 24 A. Yeah. I can do pull-ups with my trapeze

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1 too.
 2 **Q. (Demonstrating). Did you see what I just**
 3 **did?**
 4 A. Uh-huh.
 5 **Q. Do that.**
 6 A. (Demonstrating.)
 7 **Q. That will help strengthen your trunk.**
 8 **Can you lean forward?**
 9 A. No. That's as far as I can lean
 10 (demonstrating).
 11 **Q. You can't lean forward at all?**
 12 A. No.
 13 **Q. Can you, like, just do like this**
 14 **(demonstrating) just back and forth?**
 15 A. I just did as much as I -- as far as I can
 16 go.
 17 **Q. Because of the rods in your back?**
 18 A. Yeah.
 19 **Q. Can you push up at all?**
 20 A. Yeah.
 21 **Q. Let me see.**
 22 A. (Demonstrating.) I mean, I could do more, but
 23 I'm hurting right now. I've been sitting up longer than
 24 I'm supposed to be, I mean.

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1 **Q. You can transfer in and out of your**
2 **wheelchair?**
3 A. Most of the time. My dad helps me other
4 times.
5 **Q. You don't use the toilet?**
6 A. (Shaking head.)
7 **Q. Right?**
8 A. No.
9 **Q. You've got to cath yourself?**
10 A. Yeah.
11 **Q. You have to cath yourself to pee, and you've**
12 **got to have digital stimulation in order to have a bowel**
13 **movement.**
14 **Who gives you -- do you give yourself digital**
15 **stimulation?**
16 A. My aunt does it for me.
17 **Q. Your aunt does?**
18 A. Yeah.
19 **Q. Who's your aunt?**
20 A. Rebecca Parsons.
21 **Q. Aunt Rebecca Parsons. Is she a nurse or**
22 **anything?**
23 A. No.
24 **Q. What's her -- do you know her name and number?**

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1 **I know her name, but what's her number?**
2 A. She doesn't have a phone number.
3 **Q. How do you get ahold of her?**
4 A. My dad just picks her up every other day.
5 **Q. Your dad picks her up every -- what, she comes**
6 **over, digitally stimulates you?**
7 A. She comes over. My nurse comes Monday,
8 Wednesday, and Friday. She comes Tuesdays, Thursdays,
9 Saturday, Sunday.
10 **Q. The nurse comes Monday, Wednesday, and Rebecca**
11 **comes -- say that again?**
12 A. Tuesdays, Thursdays, Saturday, and Sunday.
13 **Q. Who pays for your nurses to come?**
14 A. Nobody.
15 **Q. Federal government?**
16 A. I guess my insurance.
17 **Q. What's that?**
18 A. My insurance, I guess. Medicare, whatever.
19 **Q. So the government pays?**
20 A. (Nodding head.)
21 **Q. Is that a yes?**
22 A. Yes.
23 **Q. Well, tell me about -- what's your life like?**
24 **What do you do? You wake up and do what?**

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1 A. Watch TV. I get up occasionally.
2 **Q. What's that?**
3 A. I said I get up occasionally and sit out on
4 the porch, but it's not very often.
5 **Q. Are you able to transfer from your bed to your**
6 **wheelchair?**
7 A. Sometimes. I mean, my hips hurt a lot. I
8 mean, it's not -- it's unexplainable.
9 **Q. What's that?**
10 A. It's unexplainable as to what -- the way my
11 hips feel. I mean, it's... I don't know.
12 **Q. Well --**
13 A. Sometimes I can transfer and not be afraid of
14 doing it, and sometimes others is just...
15 **Q. Sure. And then other times you can't**
16 **transfer.**
17 A. I need help.
18 **Q. Sometimes you can transfer and sometimes you**
19 **can't, right?**
20 **Have you got a bed rail?**
21 A. Yeah. It's a medical bed.
22 **Q. It's a what?**
23 A. Medical bed.
24 **Q. What does that do?**

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1 A. Provided from the hospital.
2 **Q. Yeah, what's that do? Does that lift you**
3 **up?**
4 A. I mean, it sets me up and lifts my legs up.
5 **Q. If you're laying down, can you get yourself**
6 **up? Meaning you're laying down flat like this**
7 **(demonstrating), can you sit up?**
8 A. No.
9 **Q. All right. How do you get up then?**
10 A. My bed lifts me up. It sits up.
11 **Q. Oh, the bed sits you --**
12 A. It's a medical bed. You know, the back lifts
13 up and the legs go up.
14 **Q. Okay. So what else can you tell me about your**
15 **life? You filed a lawsuit and you're asking a jury to**
16 **pay you money damages. You will be asking a jury to pay**
17 **you money damages, and so what I'm trying to get at is**
18 **why you're -- what are your injuries that you're going**
19 **to tell a jury about? And a doctor is going to testify**
20 **and say things, I understand that, but I'm just saying**
21 **you.**
22 A. Me, my life has come to a halt basically. I
23 mean, I have no life anymore.
24 **Q. How so?**

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1 A. I'm limited in my mobility, limited mobility.
2 I mean, constant pain. I can't -- my dog's afraid to
3 jump in the bed with me. He's afraid he's going to hurt
4 me, I mean.
5 **Q. You're in constant pain?**
6 A. Yeah.
7 **Q. What hurts?**
8 A. My back. My legs feel like elephants are
9 sitting on them, I mean. I guess it's called phantom
10 pains. Mentally.
11 **Q. Mentally what?**
12 A. Mentally fucked.
13 **Q. How are you mentally fucked?**
14 A. Because I never had to ask anybody for
15 anything.
16 **Q. What's that? Take your time if you need to.**
17 **Take your time.**
18 A. Because I can't shit on my own. Because I
19 can't do anything by myself. I have to ask everybody
20 for everything.
21 **Q. What else?**
22 A. What do you mean what else?
23 **Q. I understand that your life has been affected**
24 **by this, obviously, but what I'm asking you to do is**

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1 **tell me how your life has been affected. Obviously**
2 **you're in a wheelchair and obviously you can't walk**
3 **anymore.**
4 A. It's been affected fully. I mean, I have no
5 visitors. I mean, nobody -- I mean, how do -- I need to
6 take a break.
7 **Q. Let's do it.**
8 **MR. diTRAPANO: Let's take a break**
9 **MR. RUGGIER: Take a break.**
10 **(Whereupon, a recess was taken.)**
11 **BY MR. RUGGIER:**
12 **Q. So you were telling me about how bad things**
13 **were for you and how difficult things are and how you've**
14 **been damaged by this and how this is problematic**
15 **obviously, and one of the things you were saying is you**
16 **have to ask everybody to do everything for you.**
17 A. Yeah, I do.
18 **Q. Because you're in the wheelchair and, you**
19 **know, you can't --**
20 A. No mobility.
21 **Q. No mobility. You can't go places, right?**
22 **What else?**
23 A. And everything in my life has changed
24 completely.

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1 **Q. Everything has changed.**
2 A. I can't work no more. I mean, it depresses me
3 that I can't work. It's just there's nothing --
4 nothing's the same.
5 **Q. You can't work no more?**
6 A. Not the work I like to do.
7 **Q. Well, have you thought about you might have to**
8 **change that?**
9 A. What?
10 **Q. Have you thought about you might have to**
11 **change that?**
12 A. I can't climb a ladder. I mean, how could I
13 change that?
14 **Q. Well, what I'm saying is you might have to --**
15 A. I'll eventually work into figuring out
16 something.
17 **Q. You've got to look elsewhere. You're not**
18 **going to be laying bricks anymore or whatever it was.**
19 **You can't climb ladders, right?**
20 A. Yeah. I'll eventually work it out. I mean,
21 it's only been a year ago; so...
22 **Q. Sure. Have you got any plans?**
23 A. Not at the moment.
24 **Q. Tri-State Rehab.**

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1 A. What is it?
2 **Q. West Virginia State Rehabilitation. They're**
3 **often -- they can often help people with disabilities**
4 **get involved in employment.**
5 A. I'll work it out eventually, I mean.
6 **Q. What's that?**
7 A. I said I'll work it out eventually.
8 **Q. Well, you've kind of got to.**
9 **What other ideas do you have for employment?**
10 A. My dad's wanting me to do the paperwork for
11 his business.
12 **Q. Are you going to do that?**
13 A. Maybe. More than likely.
14 **Q. What?**
15 A. More than likely will.
16 **Q. So you can do paperwork for your dad's**
17 **business. What else can you do?**
18 A. I haven't thought about it enough yet, I
19 mean.
20 **Q. How come?**
21 A. Because I'm still trying to get used to
22 what's --
23 **Q. Get your mind right?**
24 A. Yeah.

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1 **Q. How long has it been? It's been about --**
2 A. Almost a year.
3 **Q. -- almost a year, something like that.**
4 A. Yeah. I'm going to get all these pressure
5 wounds healed up.
6 **Q. Well, will they heal up?**
7 A. They should.
8 **Q. Well, so I don't know. So, I mean, they'll --**
9 **whether they'll heal up. Are you doing stuff to make**
10 **them heal?**
11 A. I have nurses coming in, and my aunt's taking
12 care of them, changing bandages and...
13 **Q. Well, take me through your day. You know, you**
14 **wake up. You watch TV. What else?**
15 A. Not much. I mean, I don't really get up that
16 much because I don't want my pressure wounds to get any
17 bigger. I mean, I want to let them heal like you're
18 supposed to, I mean.
19 **Q. So you're mostly laying in your bed?**
20 A. Mostly.
21 **Q. And you're mostly watching TV all day.**
22 A. Mostly.
23 **Q. Are you doing anything for your -- are you**
24 **depressed?**

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1 A. Occasionally I just get down sometimes but,
2 no, I'm not.
3 **Q. Are you taking any medication for**
4 **depression?**
5 A. No.
6 **Q. Really?**
7 A. Really.
8 **Q. No medication for depression at all?**
9 A. No. I don't feel as I'm depressed. I'm just
10 getting used to the hand I've been dealt, I guess.
11 **Q. What else can you tell me about the hand**
12 **you've been dealt, as you call it? You just basically**
13 **all day long mostly just lay in the bed and watch TV?**
14 A. Do pull-ups and...
15 **Q. What's that?**
16 A. Do pull-ups, try to keep a little bit of upper
17 strength. That's basically it.
18 **Q. Do pull-ups, wait for your nurse to come or**
19 **your aunt to come.**
20 A. Aunt, yeah.
21 **Q. Bathroom and whatnot. So can you eat like**
22 **normal?**
23 A. Yeah.
24 **Q. Are you hungry? Not right now, but I'm saying**

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1 **do you eat?**
2 A. Yeah. I've got a normal appetite.
3 **Q. Have you gained weight, lost weight, what?**
4 A. I'm not sure. I haven't been weighed since
5 the last time I was in the hospital.
6 **Q. Does your upper body look kind of the same or**
7 **different or what? Do you know?**
8 A. Different. Not -- I used to be a lot
9 skinnier, my upper body.
10 **Q. Okay. So you used to be thinner?**
11 A. Yeah.
12 **Q. What else? What else can you tell me about**
13 **life in the chair?**
14 A. I don't live life in the chair. I'm afraid of
15 pressure wounds. I have to have my pressure wounds
16 healed before I get in my chair more. I used to fall
17 asleep in my chair. That's the reason I got my pressure
18 wounds.
19 **Q. Well, not just life in the chair, but what**
20 **else can you tell me about your life?**
21 **Can you have sex?**
22 A. No, I can't.
23 **Q. What else can you tell me? Got a girlfriend**
24 **or anything?**

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1 A. No.
2 **Q. Do you have friends?**
3 A. Yeah, a couple, but they don't come around.
4 **Q. Don't see them that much?**
5 A. No, not really.
6 **Q. What else can you tell me about your life?**
7 A. I mean, it's changed. It's not the same.
8 It's...
9 **Q. Can you tell me how your life is not the same?**
10 **I know I kind of asked you that before, but I'm trying**
11 **to get you to tell me a little bit more than what you've**
12 **told me.**
13 A. There's not much more to tell. I mean, I
14 can't do anything. At the moment I'm not capable of
15 doing anything until my pressure wounds are healed. I
16 mean, I don't. I'm in fear of them getting worse and me
17 getting more infections and then going back in the
18 hospital.
19 **Q. Is that what the infections were that stopped**
20 **the depositions the other day or --**
21 A. No. I was constipated.
22 **Q. Yeah, that was constipated, but maybe the time**
23 **before. The deposition was canceled because you had**
24 **infection? Is that what we're talking about?**

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1 **MR. diTRAPANO: Yeah, it's the time he was in**
2 **the hospital.**
3 A. Yeah.
4 **Q. Were you in the hospital because of your**
5 **pressure wounds?**
6 A. Yeah.
7 **Q. Is that the infection that we're talking about**
8 **is --**
9 A. No. It was a stent.
10 **Q. It was a stent?**
11 A. Yeah. I had a kidney stone.
12 **Q. Okay. So you had a kidney stone?**
13 A. Yeah.
14 **Q. Could you feel it?**
15 A. No.
16 **Q. The kidney stone caused the infection?**
17 A. Yeah. That and a UTI where I have to cath
18 myself. Ran out of catheters. I had to boil and reuse
19 catheters.
20 **Q. Is there anybody else in the house other than**
21 **your dad?**
22 A. His fiancée.
23 **Q. His fiancée?**
24 A. (Nodding head.)

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1 **Q. Did you tell me her name already?**
2 A. Renee Fuson.
3 **Q. Say it again?**
4 A. Renee Fuson.
5 **Q. How often is she there? Does she live**
6 **there?**
7 A. Yeah.
8 **Q. Is she there all day long or what?**
9 A. Basically.
10 **Q. Is she the one that helps you the most?**
11 A. She doesn't help me. She's not capable.
12 **Q. Why not?**
13 A. Because she's had, like, 32 different
14 surgeries, and she's just a little ol' thing.
15 **Q. Why has she had 32 surgeries?**
16 A. Carpal tunnel and knee surgeries, surgery on
17 her neck. I don't know.
18 **Q. Yeah, but can she help you by whatever?**
19 A. She brings me food and drinks.
20 **Q. Yeah. She'll bring you food, drinks. She can**
21 **get something off the shelf if you want it, that kind of**
22 **thing?**
23 A. Yeah.
24 **Q. Is she the one that's mostly taking care of**

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1 **you?**
2 A. I guess.
3 **Q. Are you currently getting any kind of**
4 **psychological counseling or anything like that?**
5 A. No. I don't feel as I need it. I'm a strong
6 willed, strong minded person. I can deal with it. My
7 doctors have actually said I've dealt with it a lot
8 better than they've seen a lot of people deal with it,
9 considering the fact.
10 **Q. Did you have any career plans before this?**
11 A. I was working construction.
12 **Q. Just working construction?**
13 A. And I was hoping to start a grave digging
14 services.
15 **Q. Were you working construction or doing grave**
16 **digging before this happened?**
17 A. In between both really.
18 **Q. Kind of in between jobs when this happened?**
19 A. Yeah.
20 **Q. Are you receiving any kind of benefits right**
21 **now?**
22 A. I just started getting Social Security.
23 **Q. What do you get?**
24 A. 528 a month.

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1 **Q. Anything else?**
2 A. No.
3 **Q. What's that?**
4 A. No.
5 **Q. No other money?**
6 **You say you were in Charleston General. Had**
7 **you ever -- what was it, CAMC General? Downtown, is**
8 **that where it was?**
9 A. Yeah.
10 **Q. Had you ever been to any other hospitals**
11 **before?**
12 A. Memorial.
13 **Q. Why were you at CAMC Memorial?**
14 A. My Foley bag got blocked a couple times.
15 **Q. Had you ever been anywhere before the**
16 **accident?**
17 A. No, not really. I never went to the
18 hospital.
19 **Q. What's that?**
20 A. I never really went to the hospital for
21 anything.
22 **Q. Do you have any movement in your legs at**
23 **all?**
24 A. No.

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<p style="text-align: right;">Page 77</p> <p>1 Q. What's that?</p> <p>2 A. No.</p> <p>3 Q. How do you get dressed?</p> <p>4 A. My aunt helps me.</p> <p>5 Q. Who does?</p> <p>6 A. My aunt or my dad.</p> <p>7 Q. Somebody has to help you get dressed?</p> <p>8 A. Yeah.</p> <p>9 Q. How do you get a shower or clean yourself?</p> <p>10 A. I rent a room, a handicap accessible, that's</p> <p>11 got a handicap accessible bathroom in it.</p> <p>12 Q. You can't take a shower at your dad's house or</p> <p>13 you can't --</p> <p>14 A. I'm afraid to get in the bathtub, afraid of</p> <p>15 falling out.</p> <p>16 Q. Do you --</p> <p>17 A. I'd wash myself with a rag. My aunt gives me</p> <p>18 a soap bath every now and again.</p> <p>19 Q. What's that?</p> <p>20 A. My aunt will wash me down with a soapy rag.</p> <p>21 Q. You can wash yourself, though, right?</p> <p>22 A. My hands, my head, and my face, yeah.</p> <p>23 Q. You can wash your body, right? And you can</p> <p>24 wash your legs, right?</p>	<p style="text-align: right;">Page 79</p> <p>1 a diaper.</p> <p>2 Q. You've got to wear a diaper? When your dad</p> <p>3 puts the diaper on you, can you push yourself up?</p> <p>4 A. No. I've got to roll from side to side.</p> <p>5 Q. What about if you push yourself up, though?</p> <p>6 A. I can't. It doesn't work like that. I have</p> <p>7 to roll from side to side for him to put my diaper on.</p> <p>8 I can't push my hips off the bed. My hips don't work.</p> <p>9 Q. I thought you pushed yourself up. So you</p> <p>10 can't push yourself up?</p> <p>11 A. Not in the bed, no, I can't.</p> <p>12 Q. What's that?</p> <p>13 A. Not in the bed, no, I can't.</p> <p>14 Q. Not in the bed?</p> <p>15 A. Not in the bed. And it's -- I never really</p> <p>16 tried to do it in a chair. I don't want to get in my</p> <p>17 chair naked.</p> <p>18 Q. What's that?</p> <p>19 A. I never tried to do it in my chair. I don't</p> <p>20 want to get in my chair naked.</p> <p>21 Q. I just wonder if it would be easier for you.</p> <p>22 A. I mean, I don't think it would. It's easier</p> <p>23 to roll from side to side.</p> <p>24 Q. You roll from side to side when you're in the</p>
<p style="text-align: right;">Page 78</p> <p>1 A. No, I can't. I mean, I can...</p> <p>2 Q. Why?</p> <p>3 A. Because I can't really reach my legs if I'm</p> <p>4 lying down.</p> <p>5 Q. What's that?</p> <p>6 A. I can't really reach that -- I don't reach</p> <p>7 down to my knees.</p> <p>8 Q. You can reach, like, up to the top. You can</p> <p>9 reach the top part of your legs.</p> <p>10 A. Yeah.</p> <p>11 Q. You can't bend over?</p> <p>12 A. No, I can't bend over.</p> <p>13 Q. And the reason you can't bend over is because</p> <p>14 of the rod in your back?</p> <p>15 A. Yeah.</p> <p>16 Q. So you can wash most of your body, right?</p> <p>17 A. Some of it, not most of it.</p> <p>18 Q. Who got you dressed today?</p> <p>19 A. My dad.</p> <p>20 Q. You can't put on shoes or socks or anything</p> <p>21 like that?</p> <p>22 A. No.</p> <p>23 Q. You can't put on underwear?</p> <p>24 A. No. I can't wear underwear. I've got to wear</p>	<p style="text-align: right;">Page 80</p> <p>1 bed. Your dad pulls up this side and you pull up that?</p> <p>2 A. Yeah.</p> <p>3 Q. Have you tried to do it yourself?</p> <p>4 A. I can't.</p> <p>5 Q. You can't?</p> <p>6 A. Like I said, I can't reach my feet. I can't</p> <p>7 get --</p> <p>8 Q. Well, yeah. I mean, like, roll, pull up your</p> <p>9 diaper on one side and pull up your diaper on the other</p> <p>10 side? Anything like that to do it yourself?</p> <p>11 A. I have to support myself. I have to hold on</p> <p>12 to my bed rail as he pulls them up. I have no free</p> <p>13 hand. If not, I just flop back.</p> <p>14 Q. Have you had to pay any money out of pocket</p> <p>15 for your medical treatment?</p> <p>16 A. I have no money to pay out of pocket, so no.</p> <p>17 Q. Do you keep a diary or anything?</p> <p>18 A. No.</p> <p>19 Q. Who have you talked to about this incident?</p> <p>20 A. Family members.</p> <p>21 MR. diTRAPANO: I mean, besides your lawyers.</p> <p>22 Q. Not your lawyers.</p> <p>23 A. Family members.</p> <p>24 Q. Who?</p>

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1 A. People in my family.
2 **Q. Right. So who?**
3 A. Immediate family.
4 **Q. Which family members?**
5 A. I mean, the ones, I mean --
6 **Q. You've just got to tell me about it. Your**
7 **dad. You talk to your dad.**
8 A. Yeah.
9 **Q. Who else?**
10 A. My dad, my grandma.
11 **Q. Your dad and your aunt?**
12 A. My dad's old lady and my aunt, I mean.
13 **Q. Your dad's old lady. Renee?**
14 A. Yeah.
15 **Q. Who else?**
16 A. Nobody really. My buddy Austin. That's about
17 it.
18 **Q. Okay. Your friend Austin?**
19 A. Yeah.
20 **Q. What's his name?**
21 A. Austin Price.
22 **Q. What's his phone number?**
23 A. I'm not sure of it.
24 **Q. Is it Price, P-R-I-C-E?**

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1 A. Yeah.
2 **Q. You told me that you -- what did your doctor**
3 **tell you about being lifted up? You were talking to me**
4 **about that a little bit.**
5 A. What do you mean lifted up?
6 **Q. Being lifted up by the officers and that's**
7 **what caused you to be paralyzed.**
8 A. He said it could have been a reason, that
9 there was such significant damage. It was a hundred
10 percent tear in my spinal cord, I mean, and he said it
11 was significant, meaning as it was like -- he told me it
12 was like pulling nerve endings, stretching them until
13 they snap. You know how they fray on the ends?
14 **Q. Yes.**
15 **MR. diTRAPANO: I'm just going to lodge an**
16 **objection to the -- to him saying "lifted up." I don't**
17 **know that that's what he said. Maybe it was, but the**
18 **record will reflect.**
19 **MR. RUGGIER: However you want to call it,**
20 **yeah, pulled up by them or whatever.**
21 **BY MR. RUGGIER:**
22 **Q. Did he say anything else to you --**
23 A. Not really.
24 **Q. -- about how this happened?**

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1 A. (Shaking head.)
2 **MR. diTRAPANO: He said no or trying to say --**
3 A. Oh, yeah, I said no.
4 **Q. What's that?**
5 A. No. I didn't say anything else.
6 **Q. Okay. Which doctor told you that?**
7 A. I'm not sure. It was just literally telling
8 me that. He was just saying the way it looked, I mean,
9 the way that the nerves looked, it...
10 **Q. Who has been your main doctor throughout**
11 **this?**
12 A. Family Medicine. I don't really -- they've
13 had me under, like, five different doctors, but I guess
14 Dr. Jarrell is the one.
15 **Q. Dr. Jarrell? Is he what, the main doctor**
16 **that --**
17 A. That's -- I'm not sure really.
18 **Q. -- you've seen the most? Is he the doctor**
19 **that you've seen --**
20 A. Maurer is the one that I've seen the most.
21 M-A-U-E-R, I think. It's a lady. I'm not sure of her
22 first name.
23 **Q. Okay. Any others?**
24 A. Gerald, Gregory Gerald.

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1 **Q. Is Gerald different than Dr. Jarrell?**
2 A. They're all family medicine. Yeah, he's
3 different than Jarrell.
4 **Q. Dr. Gerald. Can you spell that?**
5 A. I don't really know how to spell it.
6 **Q. G-E-R-A-L-D maybe or...**
7 A. I guess.
8 **Q. Or do you know?**
9 **Now, have you talked to any South Charleston**
10 **Police Officer about this at all?**
11 A. No. I don't even go to South Charleston. I
12 never will again.
13 **Q. Have you talked to those two girls who videoed**
14 **it?**
15 A. No.
16 **Q. Have you talked to any of the EMS guys --**
17 A. No.
18 **Q. -- or girls?**
19 A. Not that I know of, I mean.
20 **Q. Don't know?**
21 A. I guess they were out of Boone County, so I
22 don't go to Boone County no more, so I guess not.
23 **MR. diTRAPANO: I have to take a call at 3:00**
24 **remember.**

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1 MR. RUGGIER: I do. I will hopefully be done.
2 BY MR. RUGGIER:
3 **Q. Do you wish you would have just pulled over?**
4 **MR. diTRAPANO: Object to the form.**
5 A. I wish I would have had a chance to pull
6 over.
7 **Q. Do you have any regrets about that day?**
8 **MR. diTRAPANO: Object to the form.**
9 A. I don't know.
10 **Q. What's that?**
11 A. I don't know.
12 **Q. You said "I don't know"?**
13 **Do you regret driving on a motorcycle without**
14 **a license?**
15 A. Not really.
16 **Q. Do you regret driving the motorcycle that day**
17 **without insurance?**
18 A. Yeah, I guess so.
19 **Q. Do you regret not stopping the motorcycle --**
20 **MR. diTRAPANO: Object to the form.**
21 **Q. -- when being pursued by the police?**
22 A. I don't know how to answer that.
23 **Q. What's that?**
24 A. I said I don't really know how to answer that

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1 because I don't feel as if I was being pursued. There
2 was no lights on.
3 MR. RUGGIER: I'd like to make this an
4 exhibit. Make it Exhibit 1.
5 MR. diTRAPANO: What is that?
6 MR. RUGGIER: Photos. Stuff that was -- I'll
7 show it to you in a second.
8 MR. diTRAPANO: Are these police officer
9 photographs?
10 MR. RUGGIER: Yes.
11 (Means Deposition Exhibit No. 1 was marked for
12 identification.)
13 MR. diTRAPANO: Okay. Do you want the witness
14 to look at it?
15 MR. RUGGIER: Yeah, take a look at it.
16 BY MR. RUGGIER:
17 **Q. Billy, handing you what's Exhibit 1. Do you**
18 **see that?**
19 A. Yeah.
20 **Q. Can you tell me what those items are?**
21 A. Brazing torches, a battery.
22 **Q. One second. What color are the brazing**
23 **torches just so --**
24 A. Red and yellow.

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1 **Q. Yellow? Both of them are yellow?**
2 A. Red and yellow.
3 **Q. Oh, red and yellow. I'm sorry.**
4 A. And brazing hose, wire connectors, my book
5 bag. I don't know where that blue bag came from.
6 **Q. What is the -- what's a brazing hose for?**
7 A. To braze two types of metals together, I mean,
8 like, brazing brass.
9 **Q. What's that?**
10 A. It's a type of welding.
11 **Q. It's for welding. It's not ever used to make**
12 **meth?**
13 A. I'm not sure. I know that I use them for
14 welding, brazing.
15 **Q. Have you ever used it to make**
16 **methamphetamines?**
17 A. I've never made methamphetamines.
18 **Q. Have you ever used it to make any type of**
19 **illegal drugs?**
20 A. No. I used them for what they are -- calls
21 for, brazing.
22 There's a battery, which that's a headlight.
23 I mean a spotlight. And the headlight, wire
24 connectors.

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1 **Q. What are the wire connectors for? The**
2 **headlight?**
3 A. Connecting wires. I mean, yeah, the
4 headlight.
5 **Q. Okay.**
6 MR. RUGGIER: It's 2:54.
7 **Q. What's the white cylindrical plastic thing**
8 **there in the middle?**
9 A. I have no clue at all.
10 **Q. Is that your book bag or is that a backpack or**
11 **do you know, the blue thing?**
12 A. I don't know where that came -- that backpack
13 back up there in the corner, that was my backpack.
14 **Q. The black one?**
15 A. Yeah.
16 **Q. And you don't know what the blue thing is?**
17 A. No.
18 **Q. You have never seen that before?**
19 A. No. That wouldn't fit in my backpack. I can
20 fill a lot of stuff in that backpack.
21 **Q. Okay. Before we make this an exhibit, do you**
22 **know what that is?**
23 A. A speedometer or an rpm gauge, one of the
24 two.

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1 **Q. Was that on your bike?**
2 A. It was. It looks more like the rpm gauge.
3 Does it go up to 16?
4 **Q. I'm not sure. I can't see.**
5 MR. RUGGIER: Make this Exhibit 2.
6 (Means Deposition Exhibit No. 2 was marked for
7 identification.)
8 BY MR. RUGGIER:
9 **Q. I'm handing you what's been marked as Exhibit**
10 **2. Can you tell me what that is?**
11 A. I have no clue. I don't know. I know that I
12 had nothing on me besides -- all that stuff right there
13 I can account for, but not that. It doesn't even look
14 like my book bag actually.
15 **Q. So is that your backpack?**
16 A. It doesn't look like my backpack.
17 **Q. What's that?**
18 A. I said it doesn't look like my backpack.
19 **Q. So this is not your backpack in Exhibit 2?**
20 A. It doesn't look like the one I had. It didn't
21 have pockets like that.
22 **Q. And so do you know what is in the plastic**
23 **inside the backpack there?**
24 **MR. diTRAPANO: Object to the form. He said**

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1 it's not his backpack.
2 **Q. Or whatever this is in the photo in Exhibit 2.**
3 **Do you know what that is?**
4 A. Huh-uh.
5 **Q. You have to say it on the record.**
6 A. No, I don't know what it is.
7 **Q. And so it's your testimony that this is not**
8 **your backpack in Exhibit 2.**
9 A. It doesn't look like my backpack. My backpack
10 was a military backpack.
11 **Q. Okay.**
12 A. It was like a military -- it was a riding
13 backpack.
14 **Q. At any point throughout that -- we'll call it**
15 **the pursuit, or however you want to phrase it, were you**
16 **attempting to remove the backpack on your back and throw**
17 **it out?**
18 A. No.
19 MR. RUGGIER: I want to get copies of those
20 before we leave.
21 **Q. What's your tattoo?**
22 A. Which one? This?
23 **Q. Yeah. What's on your right arm?**
24 A. This?

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1 **Q. That's your left. What's on your right?**
2 A. It's Veritas and Aequitas.
3 **Q. Veritas and what?**
4 A. Aequitas.
5 **Q. What's that mean?**
6 A. Truth and justice.
7 **Q. What's on your left?**
8 A. An area code.
9 **Q. What's that?**
10 A. Area code.
11 **Q. Because you're from the 304?**
12 A. It was I was young and dumb, I mean.
13 **Q. What's that?**
14 A. I actually drew it and had nobody do it for
15 me.
16 **Q. When did you get both of those?**
17 A. I was 17.
18 **Q. What's that?**
19 A. When I was 17.
20 **Q. Do you have any plans on going to school in**
21 **the future?**
22 A. Not sure. Probably I will.
23 **Q. What's that?**
24 A. I said I'm not sure. I may.

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1 MR. RUGGIER: 3:01. I'm done.
2 MR. diTRAPANO: I have, like, maybe two
3 follow-up questions.
4 EXAMINATION
5 BY MR. diTRAPANO:
6 **Q. Billy, the first question is for**
7 **clarification, was that when you testified earlier that**
8 **through a series of questions about when you first could**
9 **tell that you had no feeling in your legs, that was**
10 **somewhere in the process of the police dragging you**
11 **across the railroad tracks.**
12 A. Yes.
13 MR. RUGGIER: Objection to the form of the
14 question, but you can answer.
15 A. Yeah.
16 **Q. Okay. Did you answer yes in the**
17 **affirmative?**
18 A. Yes.
19 **Q. And then for clarification on these exhibits,**
20 **Exhibit 1 and 2, you were asked some questions about**
21 **some -- it looked like bags or cylinders or something on**
22 **here.**
23 **You don't have any knowledge of what that is**
24 **and your testimony was that did not belong to you?**

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1 A. What, the cylinders?
2 **Q. No. Whatever the plastic bags were in Exhibit**
3 **2.**
4 A. Yeah. That doesn't even -- I mean, it's
5 not -- it doesn't even look like -- it's not my book
6 bag, I mean.
7 **Q. You don't know what --**
8 A. I have no clue as to what that is.
9 **Q. And I'm pointing to the bag --**
10 A. Yeah, the bag.
11 **Q. -- with the tied baggie, right?**
12 A. Yeah.
13 **Q. That's not yours?**
14 A. No.
15 **Q. And then whatever is in here, that's not**
16 **yours.**
17 A. No.
18 **Q. So the first, just so we're clear, the first**
19 **time that you knew that you could not move your legs was**
20 **after the police officers had grabbed your wrists and**
21 **drug you across the tracks.**
22 A. Yeah.
23 MR. diTRAPANO: That's all the questions I
24 have.

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1 MR. RUGGIER: I do not have any further
2 questions.
3 Let me see that. Before we go, can you hand
4 me that photo, Exhibit 1, the furthest one?
5 EXAMINATION
6 BY MR. RUGGIER:
7 **Q. Up at the top in Exhibit 1, it looks like a**
8 **black backpack. Is that yours?**
9 A. Yeah.
10 **Q. Okay. And the black backpack in Exhibit 2,**
11 **does that not look like the same backpack that's in**
12 **Exhibit 1?**
13 A. Not to me. I mean, because I know my backpack
14 didn't have these. I mean, it didn't have those kind of
15 pockets.
16 **Q. You're saying yours didn't have the drugs or**
17 **whatever --**
18 A. It didn't have those type of pockets.
19 **Q. Okay.**
20 A. And I had no drugs at all, I mean. I mean...
21 **Q. What's that?**
22 A. I mean.
23 **Q. You just don't know where that came from?**
24 A. I don't know. And even if -- it can't be much

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1 of it. I'm not -- there's nothing really there. You
2 know what I'm saying? It's...
3 **Q. I don't. Explain to me.**
4 A. Like I don't know how to explain it. It
5 wouldn't be something worth losing half my body not
6 pulling over. You know what I'm saying?
7 **Q. Are you saying there's not enough drugs there**
8 **for you to actually even be worried about being pulled**
9 **over?**
10 A. Yeah. But if it was not, I wouldn't worry.
11 You know what I'm saying? If it were me and I did have
12 that, I wouldn't be worried about getting caught with
13 it, I mean.
14 **Q. Why, because it's a small amount?**
15 A. Because, yeah, I mean, it's -- there's nothing
16 really there, but it's not mine.
17 **Q. What is it? Do you know?**
18 A. I have no clue.
19 **Q. Just in looking at it, can you tell? What's**
20 **it look like to you?**
21 A. It could be any -- I mean, what does it look
22 like to you? I mean, it could be powder, sugar in the
23 bag.
24 **Q. Yeah, but, I mean, so it could look like**

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1 **sugar, it could look like cocaine, it could look like**
2 **crystal meth. Is that --**
3 A. I mean, it looks like some substance in a bag.
4 **Q. I don't know. My knowledge is from Breaking**
5 **Bad, man, so I don't know.**
6 **MR. diTRAPANO: Object to the form.**
7 A. Breaking Bad.
8 MR. diTRAPANO: I don't think I have any
9 further questions.
10 Do you have anything else?
11 MR. RUGGIER: No.
12 (Having not requesting to read his deposition
13 before filing, further this deponent saith not.)
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1 STATE OF WEST VIRGINIA,

2 COUNTY OF PUTNAM, to-wit:

3 I, Laurie L. Cunningham, a Notary Public within and
4 for the County and State aforesaid, duly commissioned
5 and qualified, do hereby certify that the foregoing
6 deposition of WILLIAM MEANS, was duly taken by me and
7 before me at the time and place and for the purpose
8 specified in the caption hereof, the said witness having
9 been by me first duly sworn.

10 I do further certify that the said deposition was
11 correctly taken by me in shorthand notes, and that the
12 same were accurately written out in full and reduced to
13 typewriting and that the witness did not request to read
14 his transcript.

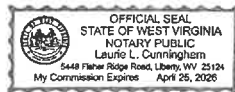
15 I further certify that I am neither attorney or
16 counsel for, nor related to or employed by, any of the
17 parties to the action in which this deposition is taken,
18 and further that I am not a relative or employee of any
19 attorney or counsel employed by the parties or
20 financially interested in the action and that the
21 attached transcript meets the requirements set forth
22 within Article twenty-seven, Chapter forty-seven of the
23 West Virginia code.

24 My commission expires April 25, 2025.

Given under my hand this 26th day of April, 2021.

Laurie L. Cunningham

Laurie L. Cunningham, RPR
Notary Public



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